IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15817 of 2004

Between:

S. Satyaram, S/o. S. Brahmaiah,
H.No. 12-12-117, Seethapalmandi, Secunderabad.

..... PETITIONER

AND

The Deputy Registrar of Cooperative Societies/ Divisional Co.op. Officer, Hyderabad East Division, R.R. District, H.No. 1-7-24, New Maruthinagar, Chatanyapuri, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in the nature of writ of mandamus directing the respondent not to proceed with E.P.No. 114-2001 G dated 21-11-2001.

Counsel for the Petitioner: MR.B.H.R.CHOWDARY

Counsel for the Respondent No.: GP FOR COOPERATION

The Court at the admission stage made the following :

ORDER:

Petitioner availed loan from Bhavana Rishi Co-operative Urban Bank Limitted, and admittedly, the award passed by the Arbitrator for the amounts due has become final. Since he failed to repay the said amount, the immovable property mortgaged in favour of the bank was put to sale on 18-09-2003. Petitioner states that he came to know about the said proceedings only on 27.04.2004 when the certificate of sale was served on him. Immediately, he preferred an appeal before the A.P. Cooperative Tribunal, Hyderabad along with an application for condoning the delay. However, the said application for condonation of delay was dismissed by the Tribunal, against which he preferred CRP No. 3750 of 2004 before this Court. It appears that initially this Court granted interim stay of eviction from the property in question by order dated 06-08-2004. Subsequently, the auction purchaser filed a vacate petition and in pursuance of the same, the interim stay was vacated on 27.08.2004. Consequently the impugned notice dated 31.08.2004 was issued by the Divisional Cooperative Officer, Hyderabad East Division, Ranga Reddy District-

respondent herein, directing the petitioner to vacate the premises and to handover the premises within three days. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the auction purchaser.

Having regard to the facts and circumstances of the case and particularly in view of the fact that the impugned notice has been issued consequent to the order of this Court in CMP.No.13572 of 2004, dated 27.08.2004, I am of the view that the petitioner cannot maintain this writ petition under Article 226 of the Constitution of India. It is always open to the petitioner to seek appropriate relief in the Revision Petition which is still pending.

Accordingly, the writ petition is dismissed. No costs.

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03-09-2004

klp

To

The Deputy Registrar of Cooperative Societies/ Divisional Co.op. Officer, Hyderabad East Division, R.R. District, H.No. 1-7-24, New Maruthinagar, Chatanyapuri, Hyderabad.

2 2CCs to G.P. for Cooperation, High Court buildings, Hyderabad.(OUT).

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